

CRAIG ALLEN SHEETS,	)	3:07-CV-512-BES-VPC
	)	
Plaintiff,	)	
	)	<b>ORDER</b>
v.	)	
	)	
DRUG ENFORCEMENT AGENCY	)	
	)	
Defendant.	)	

## I. DISCUSSION

<sup>1</sup> For an objection to be timely, a party must serve and file it within 10 days after being served with the magistrate judge's report and recommendation. 28 U.S.C. § 636(b)(1) (2005).

1 Id. at 149. Similarly, the Ninth Circuit has recognized that a district court is not required to  
2 review a magistrate judge's report and recommendation where no objections have been filed.  
3 See United States v. Reyna-Tapia, 328 F.3d 1114 (9th Cir. 2003) (disregarding the standard  
4 of review employed by the district court when reviewing a report and recommendation to which  
5 no objections were made); see also Schmidt v. Johnstone, 263 F.Supp. 2d 1219, 1226 (D.  
6 Ariz. 2003) (reading the Ninth Circuit's decision in Reyna-Tapia as adopting the view that  
7 district courts are not required to review "any issue that is not the subject of an objection.").  
8 Thus, if there is no objection to a magistrate judge's recommendation, then this Court may  
9 accept the recommendation without review. See e.g., Johnstone, 263 F.Supp. 2d at 1226  
10 (accepting, without review, a magistrate judge's recommendation to which no objection was  
11 filed).

12 In this case, Plaintiff has not filed an objection to the Magistrate Judge's Report and  
13 Recommendation. Although no objection was filed, this Court has reviewed the Report and  
14 Recommendation, and accepts it. Accordingly,

15 IT IS THEREFORE ORDERED that the Magistrate Judge's Report and  
16 Recommendation (#3) entered on May 29, 2008, is adopted and accepted without  
17 modification. Thus, in accordance with the Report and Recommendation,

18 IT IS HEREBY ORDERED that this case is DISMISSED WITHOUT PREJUDICE. The  
19 Clerk of the Court shall enter judgment accordingly.

20 IT IS SO ORDERED.

21 DATED: This 6<sup>TH</sup> day of October, 2008.

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26 UNITED STATES DISTRICT JUDGE  
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